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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/724,965	11/28/2000	Nils Lonberg	014643-009031US	9526	
20350	20350 7590 07/03/2002 TOWNSEND AND TOWNSEND AND CREW, LLP			EXAMINER	
TWO EMBARCADERO CENTER EIGHTH FLOOR			WEHBE, ANNE MARIE SABRINA		
SAN FRANCI	SCO, CA 94111-3834		ART UNIT	PAPER NUMBER	
			1632	15	
			DATE MAILED: 07/03/2002	\mathcal{B}	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
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Offic Action Summary	09/724,965	LONBERG ET AL.			
ome reason cummary	Examin r	Art Unit			
The MAN INC DATE of this communication app	Anne M Wehbé	1632			
Th MAILING DATE of this communication appears on the cov r sh et with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period wiff Failure to reply within the set or extended period for reply will, by statute, - Any reply received by the Office later than three months after the mailing rearned patent term adjustment. See 37 CFR 1.704(b). Status	6(a). In no event, however, may a reply be tim within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from to cause the application to become ABANDONED	ely filed will be considered timely. he mailing date of this communication. 0 (35 U.S.C. § 133).			
1) Responsive to communication(s) filed on	·				
2a) This action is FINAL . 2b) This	s action is non-final.				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims					
4)⊠ Claim(s) <u>17-56</u> is/are pending in the application	n				
4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.					
6) Claim(s) is/are rejected.					
7) Claim(s) is/are objected to.					
8) Claim(s) 17-56 are subject to restriction and/or	election requirement				
Application Papers					
9) The specification is objected to by the Examiner	•				
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.					
If approved, corrected drawings are required in reply to this Office action.					
12) The oath or declaration is objected to by the Examiner.					
Priority under 35 U.S.C. §§ 119 and 120					
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).					
a) ☐ All b) ☐ Some * c) ☐ None of:					
1. Certified copies of the priority documents	s have been received.				
2. Certified copies of the priority documents	s have been received in Application	on No			
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 					
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).					
 a) ☐ The translation of the foreign language provisional application has been received. 15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. 					
Attachment(s)					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informal F	(PTO-413) Paper No(s) Patent Application (PTO-152)			
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ELECTION/RESTRICTION

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-32, drawn to transgenes containing unrearranged human immunoglobulin genes and transgenic non-human mammals comprising said transgenes, classified in classes 435 and 800, subclasses 320.1 and 13.
- II. Claims 33-48 and 56, drawn to methods of making B cells or generating rearranged human immunoglobulin sequences using transgenic mice, classified in classes 514 and 435, subclasses 2 and 325 or 4 or 6.
- III. Claims 49-55, drawn to nucleic acids, vectors and cells comprising a rearranged human immunoglobulin heavy and/or light chain, classified in classes 536 and 435, subclasses 23.1 and 320.1 or 325.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are patentably distinct in that unrearranged transgene of invention I is

unrelated to the method of making B cells with rearranged transgenes of invention II. Further, the

transgenic mouse of invention I can be used for purposes other than making B cells or rearranged

immunoglobulin genes, such as the use of the mouse for studying B cell development. Inventions I

and II also patentably distinct from invention III in that the nucleic acids, vectors, and cells do not

require the mice of invention I or the methods of invention II as they can be made by in vitro

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techniques using molecular biology and cloning, or can be synthesized by machine. Further, rearranged and unrearranged nucleic acids encoding immunoglobulin genes are substantially different in their capacity to produce antibody and further differ substantially in sequence characteristics.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, different search requirements, and different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

Any inquiry concerning this communication from the examiner should be directed to Anne Marie S. Wehbé, Ph.D., whose telephone number is (703) 306-9156. The examiner can be reached Mon-Thurs and every other Friday from 9:30-7:00. If the examiner is not available, the examiner's supervisor, Deborah Reynolds, can be reached at (703) 305-4051. General inquiries

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should be directed to the group receptionist whose phone number is (703) 308-0196. The technology center fax number is (703) 308-4242, the examiner's direct fax number is (703) 746-7024.

Dr. A.M.S. Wehbé

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